

**COMBINED DECLARATION
AND POWER OF ATTORNEY**

PATENT APPLICATION

Atty Docket No. TENC-01000

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

FOCUSED BEAM SPECTROSCOPIC ELLIPSOMETRY METHOD AND SYSTEM

the specification of which (check one) ☒ was filed on January 19, 1995 as Application Serial No. 08/375,353.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Number	Country	Day/Month/Year Filed	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Ser. No.	Filing Date	Status: Patented, Pending, Abandoned			
I HEREBY APPOINT THE FOLLOWING AS MY ATTORNEYS WITH FULL POWER OF SUBSTITUTION TO PROSECUTE THIS APPLICATION AND TRANSACT ALL BUSINESS IN THE PATENT OFFICE CONNECTED THEREWITH:					
Karl A. Limbach	18,689	Philip A. Girard	28,848	Kathleen A. Frost	37,326
George C. Limbach	19,305	Michael J. Pollock	29,098	Alan S. Hodes	38,185
John K. Uilkema	20,282	Stephen M. Everett	30,050	Jens E. Hoekendijk	37,149
J. William Wigert, Jr.	24,582	Alfred A. Equitz	30,922	Slade E. Smith	37,447
Philip M. Shaw, Jr.	25,376	W. Patrick Bengtsson	32,456	Patricia Coleman James	37,155
Neil A. Smith	25,441	Richard A. Nebb	33,540	J. Thomas McCarthy	22,420
Carrie L. Walthour	27,755	Mark A. Dalla Valle	34,147	Charles P. Sammut	28,901
Veronica C. Devitt	29,375	Ian Hardcastle	34,075	Ted Naccarella	33,023
Ronald L. Yin	27,607	Richard E. Wawrzyniak	36,048	Douglas C. Limbach	35,249
Gerald T. Sekimura	30,103	Alan D. Minsk	35,956	Michael R. Ward	38,651
Michael A. Stallman	29,444	Mark C. Pickering	36,239		

Send correspondence to

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Attn: Alfred A. Equitz
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Telephone: (415) 433-4150

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor TIMOTHY R. PIWONKA-CORLE
Inventor's signature [Signature] Date 3-21-95
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Citizenship USA
Post Office Address Same as above

Full name of second joint inventor, if any, KAREN F. SCOFFONE
Inventor's signature [Signature] Date 3/20/95
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Citizenship USA
Post Office Address SAME AS ABOVE

Full name of third joint inventor, if any, XING CHEN

Inventor's signature Xing Chen

Residence 815 RAINTREE DRIVE, SAN JOSE, CA 95129 Date 3/20/95

Citizenship People's Republic of China

Post Office Address SAME AS ABOVE.

Full name of fourth joint inventor, if any, LLOYD J. LACOMB, JR.

Inventor's signature Lloyd J. Lcomb

Residence 3411 GONZALES PI Santa CLARA CA 95051 Date 3/20/94

Citizenship USA

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Full name of fifth joint inventor, if any, JEAN-LOUIS STEHLE

Inventor's signature JL Stehle

Residence 19 RUE DES ARTS F92700 COLOMBES FRANCE Date 3/28/95

Citizenship France

Post Office Address SAME AS ABOVE

Full name of sixth joint inventor, if any, DORIAN ZAHORSKI

Inventor's signature Dorian Zahorski

Residence 111 AVE VICTOR HUGO 92170 VANVES Date 3/23/95

Citizenship France

Post Office Address SAME AS ABOVE

Full name of seventh joint inventor, if any, JOHN-PIERRE REY

Inventor's signature John-Pierre Rey

Residence 8 Rue du Marechal Gallieni 92260 Fontenay Aux Roses Date 3/23/95

Citizenship France

Post Office Address SAME AS ABOVE

SUPPLEMENTAL PATENT APPLICATION DECLARATION

(Attorney's Docket No.: TNCR.059US2)

COPY

Each of the Applicants named below hereby declares as follows:

1. My residence, post office address and country of citizenship given below are true and correct.

2. I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought in the patent application entitled "FOCUSED BEAM SPECTROSCOPIC ELLIPSOMETRY METHOD AND SYSTEM," Serial No. 09/248,876, filed February 11, 1999, and I have reviewed and understand the contents of the specification, including its claims.

3. I acknowledge my duty to disclose to the Office all information known to me to be material to patentability of this application, in accordance with 37 C.F.R. Section 1.56, which is defined on the attached page.

4. This application is a continuation of U.S. Patent Application Serial No. 08/753,696, filed November 27, 1996, which is a continuation of U.S. Patent Application Serial No. 08/375,353, filed January 19, 1995, now U.S. Patent No. 5,608,526. I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, as defined in §1.56, which occurred between the filing date of the prior application and the filing date of this application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Additionally, the undersigned hereby appoints Kevin P. McAndrews, Reg. No. 34,496 and the practitioners of Majestic, Parsons, Siebert & Hsue P.C. who are associated with the Customer Number provided below to prosecute this patent application, to transact all business in the U.S. Patent and Trademark Office connected therewith, to receive the original Letters

Patent, and to substitute or associate other attorneys on his behalf. I further direct that all correspondence be addressed to that Customer Number.

Customer No:



020227

PATENT AND TRADEMARK OFFICE

Date: _____

TIMOTHY R. PIWONKA-CORLE

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Citizenship: U.S.A.

Date: _____

KAREN F. SCOFFONE

Residence and 3529 Page Street
Post Office Address: Redwood City, California 94063
Citizenship: U.S.A.

Date: _____

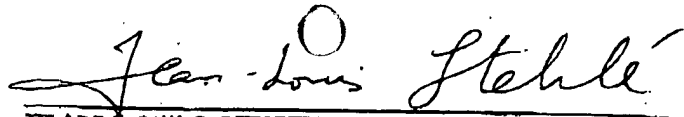
XING CHEN

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Citizenship: People's Republic of China

Date: _____

LLOYD J. LACOMB, JR

Residence and 3411 Gonzaga Place
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Date: 30 August 1999**JEAN-LOUIS STEHLE**

Residence and 19 Rue des Arts, F-92270
 Post Office Address: Bois-Colombes, France
 Citizenship: France

Date: 31 August 1999**DORIAN ZAHORSKI**

Residence and 114 Avenue Victor Hugo, F-92170
 Post Office Address: Vanves, France 31 rue Jules Michelet
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 FRANCE

Date: August 31, 1999**JEAN-PIERRE REY**

Residence and 8 Rue du Maréchal Galiéni, F-92260
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Section 1.56 Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.